



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit -- 2611
Examiner – N. Vu

January 22, 2007

In re Application of Michael J. Rieschl et al.
Title: Video-on-Demand Video
Disk/Memory Streaming
Selection Methodology
Serial No.: 09/714,072

Filed: November 16, 2000
Allowed: December 19, 2006
File No.: RA 5323K (33012/295/101)
Customer # 27516

Mail Stop Issue Fee
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

SUBJECT: ISSUE FEE FOR RA 5323K (33012/295/101)

Dear Sir:

Please charge Deposit Account No. 19-3790 in the sum of \$1,400.00 to cover payment of the Issue Fee and also the sum of \$3.00 to cover the cost of the 1 extra copy of the patent, which was allowed on December 19, 2006.

Also enclosed is a "Fee Address" Indication Form and Comments on Statement of Reasons for Allowance.

Respectfully submitted,

Beth L. McMahon

Beth L. McMahon
Attorney for Applicant
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BLM/eav

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450 on January 22, 2007.

Emily Vogt
Legal Secretary

Emily Vogt

Signature

January 22, 2007
Date of Signature



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In re Application of Michael J. Rieschl et al.
Title: Video-on-Demand Video Disk/Memory
Streaming Selection Methodology
Serial No.: 09/714,072

Filed: 11/16/00
Allowed: 12/19/06
File No.: RA 5323K (33012/295/101)
Customer # 27516

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner's statement of Reasons for Allowance implies that the claimed invention was allowed because the prior art did not disclose specific elements. The elements characterized by the Examiner, however, even if found in the prior art, would not render the claimed invention invalid under 35 USC §102 because the claimed invention includes a number of limitations not addressed in the Reasons for Allowance. With respect to 35 USC §103, the requirements of establishing a *prima facie* case of obviousness including (1) a showing that the prior art teaches the entire claimed invention where all limitations are to be considered, and (2) that combining various prior art references is (a) suggested in the art and (b) there would be motivation to make the combination, with a likelihood of success, have not been satisfied.

Unless otherwise advised, these comments are intended, to be clarifying in a manner consistent with the law.

Respectfully submitted,

Beth L. McMahon
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